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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,277	02/28/2002	Sanjay Kaluskar	264/237	2046
22249	7590	09/10/2004		
LYON & LYON LLP 633 WEST FIFTH STREET SUITE 4700 LOS ANGELES, CA 90071			EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2172	PAPER NUMBER

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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SEP 25 2004

Technology Center 2100

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/086,277	KALUSKAR ET AL.	
	Examiner	Art Unit	
	Jean M Corrielus	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8-13, 16, 17, 20-22, 27, 32, 33, 36, 37, 40-44, 48, 50-58, 62, 63, 67 and 68 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 7, 14, 15, 18, 19, 23-26, 28-31, 34, 35, 38, 39, 45-47, 49, 59-61 and 64-66 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____  |



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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10/086277

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

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Commissioner of Patents and Trademarks

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*[Signature]*  
Jean M. Corrieus  
Primary Examiner  
Art Unit 2172  
Date August 24, 2004

### DETAILED ACTION

1. This office action is in response to the application filed February 28, 2002, in which claims 1-68 are presented for examination.

#### *Information Disclosure Statement*

2. The information disclosure statement filed February 2, 2004 complies with the provisions of 37 CFR 1.97 and MPEP § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

#### *Drawings*

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

#### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4-5, 8-13, 16-17, 20-22, 27, 32, 33, 36, 37, 40-44, 48, 50-58, 62-63 and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al., (hereinafter "Chow") US Patent no. 5,875,334.

As to claim 1, Chow discloses the claimed "receiving a database statement from a client " by means of receive a query statement from a user (col.1, lines 63-67); and "searching memory for a similar database statement" by comparing the SQL3 control statements (col.2, lines 25-29; col.10, lines 54-67), wherein the REPEAT statements is similar to WHILE statements (col.12, lines 23-48). Chow does not explicitly disclose the use of reusing a data structure compiled for said similar database statement to execute said database statement when a system parameter is configured to control data structure sharing. However, Chow discloses a V2 compiler, where the declaration and reference of a cursor is processed in a way which involves the collaboration between the pre-processor and SQL compiler is setup to control data structure sharing (col.7, lines 50-67; col.32, lines 4-15; col.42, lines 13-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Show's system wherein the plan optimizer, provided therein (items 116 of fig.1) would incorporate the use of reusing a data structure compiled for said similar database statement to execute said database statement when a system parameter is configured to control data structure sharing because that

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would provide Chow's system the enhanced capability of compiling query statements and control statements while still enabling and enhancing the efficiency of the system.

As to claim 4, Chow discloses the claimed "wherein reusing a data structure compiled for said similar database statement occurs when a command line parameter is configured to control data structure sharing" (col.6, lines 25-36; col.23, lines 36-67).

As to claim 5, Chow discloses the claimed "wherein the command line parameter is a hint for enabling a one-time system parameter override" (col.7, lines 50-67).

As to claim 8, Chow discloses the claimed "returning a result set to the client if said database statement is a query" (col.39, lines 35-45).

As to claim 9, Chow discloses the claimed "wherein reusing a data structure includes executing the execution plan compiled from said similar database statement" (col.23, lines 35-65).

As to claim 10, Chow discloses the claimed "wherein said data structure a cursor" (col.42, lines 14-34).

As to claim 11, Chow discloses the claimed "wherein said database statement and said similar database statement are SQL statement" (col.23, lines 35-65).

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As to claims 12-13, 16-17 and 20-21, the limitations of claims 12-13, 16-17 and 20-21 have been mentioned in the rejection of claims 1, 4-5 and 8-11 above. They are therefore, rejected under the same rationale.

As to claims 22, 27, 32-33, 36-37 and 40-43, the limitations of claims 22, 27, 32-33, 36-37 and 40-43 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale.

As to claims 44, 48 and 50-57, the limitations of claims 44, 48 and 50-57 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale. In addition, Chow discloses the claimed “a parser for hard parsing the database statement” (col.); “building an expression tree from the database” (col.); and “a syntactic analyzer” (col.7, line 66-col.8, line 7).

As to claims 58, 62 and 67-68, the limitations of claims 58, 62 and 67-68 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale.

***Allowable Subject Matter***

7. Claims 2-3, 6-7, 14-15, 18-19, 23-26, 28-31, 34-35, 38-39, 45-47, 49, 59-61 and 64-66 are objected to as being dependent upon a rejected base claim, but would be allowable if



Art Unit: 2172

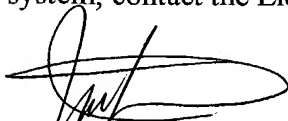
rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Monday - Friday (12:00pm - 7:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

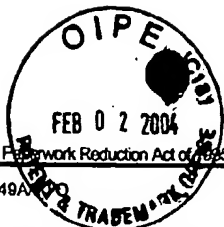
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Jean M. Corrielus

Patent Examiner

August 24, 2004



PTO/SB/08a (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

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





Application Number	10/086,277
Filing Date	February 28, 2002
First Named Inventor	Sanjay Kaluskar
Art Unit	2171
Examiner Name	Not yet assigned
Attorney Docket Number	264/237

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**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
     	1	6,615,206	9/2/2003	Jakobsson et al.	
	2	6,606,627	8/12/2003	Guthrie et al.	
	3	6,581,055	6/17/2003	Ziauddin et al.	
	4	6,546,394	4/8/2003	Chong et al.	
	5	6,505,227	1/7/2003	Mirchandaney et al.	
	6	6,470,423	10/22/2002	Ho et al.	
	7	6,439,783	8/27/2002	Antoshenkov	
	8	6,421,662	7/16/2002	Karten	
	9	6,401,083	6/4/2002	Agarwal et al.	
	10	6,374,257	4/16/2002	Guay et al.	
	11	6,370,619	4/9/2002	Ho et al.	
	12	6,370,522	4/9/2002	Agarwal et al.	
	13	6,351,742	2/26/2002	Agarwal et al.	
	14	6,144,957	11/7/2000	Cohen et al.	
	15	6,029,163	2/22/2000	Ziauddin	
	16	6,026,391	2/15/2000	Osborn et al.	
	17	6,014,656	1/11/2000	Hallmark et al.	
	18	5,974,408	10/26/1999	Cohen et al.	
	19	5,956,705	9/21/1999	Stevens et al.	
	20	5,907,844	5/25/1999	Guay et al.	

**FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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Examiner Signature

Date

Considered

5/29/04

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<b>Application Number</b>	<b>10/086,277</b>
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<b>Filing Date</b>	February 28, 200
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First Named Inventor	Sanjay Kaluskar
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<b>Art Unit</b>	<b>2171</b>
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<b>Examiner Name</b>	<b>Not yet assigned</b>
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**Attorney Docket Number** | **264/237**

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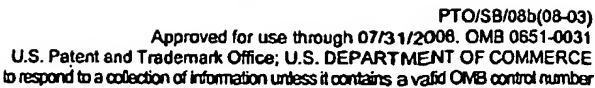
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Sheet	3	of	3
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**Complete if Known**

<b>Application Number</b>	10/086,277
<b>Filing Date</b>	February 28, 2002
<b>First Named Inventor</b>	Sanjay Kaluskar
<b>Art Unit</b>	2171
<b>Examiner Name</b>	Not yet assigned
<b>Attorney Docket Number</b>	264/237

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<b>Notice of References Cited</b>	Application/Control No. 10/086,277	Applicant(s)/Patent Under Reexamination KALUSKAR ET AL.	
	Examiner Jean M Corrielus	Art Unit 2172	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,875,334	02-1999	Chow et al.	717/141
	B	US-6,457,007	09-2002	Kikuchi et al.	707/10
	C	US-6,269,373	07-2001	Apte et al.	707/10
	D	US-6,598,041	07-2003	Bernal et al.	707/3
	E	US-6,643,637	11-2003	Chen et al.	707/2
	F	US-6,694,305	02-2004	Bernal et al.	707/2
	G	US-6,665,678	12-2003	Ching Chen et al.	707/100
	H	US-6,721,731	04-2004	Cornwell et al.	707/3
	I	US-5,758,144	05-1998	Eberhard et al.	707/2
	J	US-5,734,884	03-1998	Eberhard et al.	707/2
	K	US-5,963,742	10-1999	Williams, Gerald S.	717/143
	L	US-5,615,359	03-1997	Yung, Alex	707/10
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